

Malone, et al.

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REMARKS

Entry of the above-noted amendments, reconsideration of the Application, and allowance of all claims pending are respectfully requested. By this amendment, claims 4, 7-12, 16-17, 30, and 32-34 are amended, claims 1-3, 5-6, and 18-28 are canceled, and claims 35-48 are added. These amendments to the claims constitute a bona fide attempt by Applicant to advance prosecution of the Application and obtain allowance of the pending claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the Application, figure, and claims (e.g., originally-filed claims 13 and 24) and thus, no new matter has been added. Claims 4, 7-17, 30, and 32-48 are pending.

Drawing Objection:

The drawings are objected to under 37 C.F.R. § 1.83(a). Without acquiescing in the objection, Applicant respectfully submits the objection is moot in view of the cancellation herein of the cited recitation of "rack" in the preamble to leave "rack" in the body of the claim of current independent claims 33 and 34 as had been previously presented, including in the originally-filed claims 13 and 24. Each of the previous independent claims 1, 18, and 25 has been cancelled, with allowable claims 33 and 34 rewritten in independent form and presented as the only two independent claims.

Withdrawal of the objection to the drawings is therefore respectfully requested.

Allowable Subject Matter:

Claims 33-34 were objected to as being dependent upon a rejected base claim, but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant gratefully acknowledges this indication of allowability, and has rewritten each of claims 33 and 34 in independent form including all of the limitations of the base claim 1 and all intervening claims 2, 3, and 5. The dependent claims 4, 7-17, 30, and 32 previously dependent on claims 1, 2, 3, or 5 have been amended to depend from claim 33. In addition, only those dependent claims 4, 7-17, 30, and 32 amended to depend from claim 33 have had their language identically duplicated as newly-added claims 35-48 with the only difference between these sets of dependent claims being the dependency of claims 35-48 from claim 34 rather than 33.

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An indication of allowance of independent claim 33 its dependent claims 4, 7-17, 30, and 32 is therefore respectfully requested. In addition, an indication of allowance of independent claim 34 and its dependent claims 35-48 is therefore respectfully requested.

Claim Rejections - 35 U.S.C. § 103:

Claims 1-8, 12-25 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tokuhara et al. USP 6,549,414 in view of Owens et al. USP 6,804,116. Claims 7, 9-11, 26-28, and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tokuhara et al. '414 in view of Owens et al. '116 as applied to claims 1-8, 12-25 and 30 above, and further in view of Aoki et al. US Pub. 20040250992 (issued as USP 6,967,842). Without acquiescing in the rejections, Applicant respectfully submits the rejections are moot in view of the claim amendments presented herewith. Each of the listed claims either is canceled herein or is amended herein to depend from claim 33 indicated as allowable by the Office Action.

Withdrawal of the § 103 rejections is therefore respectfully requested.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 4, 7-17, 30, and 32-48.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 C.F.R. §§ 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 08-2025.

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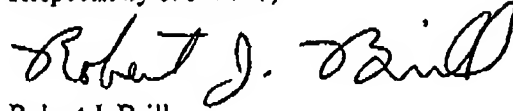
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Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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